

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
(Baltimore Division)**

IN RE: SMITH & NEPHEW
BIRMINGHAM HIP RESURFACING
(BHR) HIP IMPLANT PRODUCTS
LIABILITY LITIGATION

MDL No. 2775
Master Docket No. 1:17-md-2775

JUDGE CATHERINE C. BLAKE

This Document Relates to: All Cases

ORDER

This will confirm the results of the conference call yesterday.

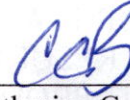
The parties' proposal (ECF 3324, 3325) that the case of *Quirk v Smith & Nephew, Inc.*, No. 1:18-cv-2328, be the first choice for the BHR bellwether trial set to begin June 6, 2022, is approved. The back-up will be *Hand v. Smith & Nephew, Inc.*, 1:17-cv-00935. A proposed CMO setting forth pretrial dates is expected to be filed by counsel shortly.

Regarding the plaintiffs' "case-specific discovery activation plan" (ECF 3325), additional information is needed before any decision can be made. Plaintiffs' counsel may prepare a chart specifically identifying by case name and number those cases for which they seek to activate discovery, including identification of gender, date of implant, head size, the applicable state law, what relevant discovery may already have taken place, and any other pertinent information. Counsel may prioritize the cases on the chart and also propose a general time frame to conduct discovery. Smith & Nephew may respond within 14 days from the plaintiffs' filing.

The question for the court is whether such discovery is practical on the time frame that may be proposed and whether it may advance the resolution of this MDL.

So ORDERED this 6th day of January, 2022.

/S/



The Honorable Catherine C. Blake
United States District Judge for the
District of Maryland